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Attorney for Plaintiff

**Admitted Pro Hac Vice*

**UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA
SAN FRANCISCO DIVISION**

IN RE: UBER TECHNOLOGIES, INC.,
PASSENGER SEXUAL ASSAULT
LITIGATION

MDL No. 3084 CRB

Honorable Charles R. Breyer

This Document Relates to:

JURY TRIAL DEMANDED

E.S.W. v. UBER TECHNOLOGIES, INC., *et al.* ; 24-
CV -4095

AMENDED SHORT-FORM COMPLAINT AND DEMAND FOR JURY TRIAL

The Plaintiff named below files this Short-Form Complaint and Demand for Jury Trial against Defendants named below by and through the undersigned counsel. Plaintiff incorporates by reference the allegations contained in Plaintiffs' Master Long-Form Complaint in In Re: Uber Technologies, Inc., Passenger Sexual Assault Litigation, MDL No. 3084 in the United States District Court for the Northern District of California. Plaintiff files this Short-Form Complaint as permitted by Case Management Order No. 11 of this Court.

Plaintiff selects and indicates by checking-off where requested, the Parties and Causes of Actions specific to this case.

Plaintiff, by and through their undersigned counsel, allege as follows:

I. DESIGNATED FORUM¹

1. Identify the Federal District Court in which the Plaintiff would have filed in the absence of direct filing:

The Northern District of California

(“Transferee District Court”).

II. IDENTIFICATION OF PARTIES

A. PLAINTIFF

1. *Injured Plaintiff: Name of the individual who alleges they were sexually assaulted, battered, harassed, or otherwise attacked by an Uber driver with whom they were paired while using the Uber platform:*

E.SW., an individual

(“Plaintiff”).

2. At the time of filing this *Short-Form Complaint*, Plaintiff resides at:

Baiting Hollow, Suffolk County, New York

3. (If applicable) _____ is filing this case in a representative capacity as the _____ of the _____, and _____ has authority to act in this representative capacity because _____.

B. DEFENDANT(S)

1. Plaintiff names the following Defendants in this action

☒ UBER TECHNOLOGIES, INC.;²

☒ RASIER, LLC;³

¹ See Pretrial Order No. 6, at II(C) (ECF No. 177)

☒ RASIER-CA, LLC.⁴

☐ OTHER (specify): _____. This defendant's residence is in (specify state): _____.

C. RIDE INFORMATION

1. The Plaintiff was sexually assaulted, harassed, battered, or otherwise attacked by an Uber driver in connection with a ride facilitated on the Uber platform in Riverhead, NY, on July 17, 2021.
2. The Plaintiff was the account holder of the Uber account used to request the relevant ride.
3. The Plaintiff provides the following additional information about the ride:

[PLEASE SELECT/COMPLETE ONE]

☒ The Plaintiff hereby incorporates Plaintiff's disclosure of ride information produced pursuant to Pretrial Order No. 5 ¶ 4 on July 19, 2024

☐ The origin of the relevant ride was [STREET ADDRESS, CITY, COUNTY, STATE]. The requested destination of the relevant ride was [STREET ADDRESS, CITY, COUNTY, STATE]. The driver was named [DRIVER NAME].

² Delaware corporation with a principal place of business in California.

³ A limited liability company whose sole member, Uber Technologies, Inc., is a citizen of Delaware and California.

⁴ A limited liability company whose sole member, Uber Technologies, Inc., is a citizen of Delaware and California.

III. CAUSES OF ACTION ASSERTED

1. The Causes of Action asserted in the *Plaintiffs' Master Long-Form Complaint*, and the allegations with regard thereto in the *Plaintiffs' Master Long-Form Complaint*, are adopted in this *Short-Form Complaint* by reference, except that Plaintiff opts out of and excludes the causes of action specified below:

Check any EXCLUDED causes of action	Cause of Action Number	Cause of Action

<input type="checkbox"/>	I	NEGLIGENCE (including Negligent Hiring, Retention, Supervision, and Entrustment)
<input type="checkbox"/>	II	FRAUD AND MISREPRESENTATION
<input type="checkbox"/>	III	NEGLIGENT INFLICTION OF EMOTIONAL DISTRESS
<input type="checkbox"/>	IV	COMMON CARRIER'S NON-DELEGABLE DUTY TO PROVIDE SAFE TRANSPORTATION ⁵
<input type="checkbox"/>	V	OTHER NON-DELEGABLE DUTIES TO PROVIDE SAFE TRANSPORTATION ⁶
<input type="checkbox"/>	VI	VICARIOUS LIABILITY FOR DRIVERS' TORTS - EMPLOYEE
<input type="checkbox"/>	VII	VICARIOUS LIABILITY FOR DRIVERS' TORTS - APPARENT AGENCY
<input type="checkbox"/>	VIII	VICARIOUS LIABILITY FOR DRIVERS' TORTS - RATIFICATION
<input type="checkbox"/>	IX	VICARIOUS LIABILITY FOR DRIVERS' TORTS - Cal. Public Utilities Code § 535
<input type="checkbox"/>	X	STRICT PRODUCTS LIABILITY - DESIGN DEFECT
<input type="checkbox"/>	XI	STRICT PRODUCTS LIABILITY - FAILURE TO WARN
<input type="checkbox"/>	XII	STRICT PRODUCTS LIABILITY - PRODUCT LIABILITY ACTS
<input type="checkbox"/>	XIII	UNFAIR COMPETITION LAW - Cal. Bus. & Prof. Code § 17200 et seq.

VI. ADDITIONAL CAUSES OF ACTION AND/OR ALLEGATIONS

⁵ This claim is pleaded in the *Plaintiffs' Master Long-Form Complaint* under the laws of every state **except: Arizona, Colorado, District of Columbia, Illinois** (for incidents prior to August 11, 2023), **Michigan, Montana** (for incidents prior to April 23, 2023), **New York, Pennsylvania, Wisconsin, and Wyoming.**

⁶ This claim is pleaded in *Plaintiffs' Master Long-Form Complaint* under the laws of every state **except: District of Columbia, Michigan, New York, Pennsylvania.**

NOTE

If Plaintiff wants to allege additional Cause(s) of Action other those selected in paragraph __, the specific facts supporting any such additional Cause(s) of Action, must be pled in a manner complying with the requirements of the Federal Rules of Civil Procedure (*see* paragraph ____). In doing so you may attach additional pages to this *Short Form Complaint*.

1. Plaintiff asserts the following additional theories against the Defendants designated in paragraph ____ above:

[illegible]

2. If Plaintiff has additional factual allegations not set forth in *Plaintiffs' Master Long-Form Complaint*, they may be set forth below or in additional pages:

WHEREFORE, Plaintiff prays for relief and judgment against Defendants for economic and non-economic compensatory and punitive and exemplary damages, together with interest, costs of suit, attorneys' fees, and all such other relief as the Court deems proper, and such further relief as the Court deems equitable and just, and as set forth in *Plaintiffs' Master Long-Form Complaint*.

JURY DEMAND

Plaintiff hereby demands a trial by jury as to all claims in this action.

1 Dated this the 3rd day of January, 2025.

2 OF COUNSEL:

3 RESPECTFULLY SUBMITTED ON BEHALF OF THE PLAINTIFF,
4

5
6 /s/ Sommer D. Luther

7 Sommer D. Luther, CO 35053

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